

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER A. GEIER,

No. C 10-1965 SI (pr)

Plaintiff,

ORDER

v.

Dr. STREUKER, D.D.S.,


Defendant.

Discovery was stayed in this action on September 15, 2011. Thereafter, plaintiff requested a modification of the stay to permit his interrogatories to defendant. The requests are DENIED. (Docket # 47 and # 48 at exhibit 1.) Plaintiff wanted an exception to the stay because he thought he would otherwise be penalized as defendant had received his interrogatories in time to respond to them before the stay was imposed. Plaintiff is wrong on the timing: because he sent his interrogatories by mail on September 21, 2011, the response was not due before the stay was imposed. Further, the stay has nothing to do with the timing of discovery requests and everything to do with the need to "protect[] the substance of the qualified immunity defense." *See Crawford-El v. Britton*, 523 U.S. 574, 597 (1998). The stay of discovery remains in place.

In light of the stay of discovery, plaintiff's "request for subpoena by affidavit" and "request to submit additional evidence in support of request for discovery order" are DENIED. (Docket # 42, # 43.)

IT IS SO ORDERED.

Dated: October 12, 2011



SUSAN ILLSTON
United States District Judge